



IFW RCE

2188

## REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Application No. 09/164,898  
Filing Date October 1, 1998  
First Named Inventor Akiyama  
Art Unit 2188  
Examiner Name Vital, Pierre M.  
Attorney Docket No. 042390.P3373

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See instruction sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114** – Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
  - a.  Previously submitted If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
    - i.  Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_ (Any unentered amendment(s) referred to above will be entered. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.)
    - ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
    - iii.  Other \_\_\_\_\_
  - b.  Enclosed
    - i.  Amendment/Reply
    - ii.  Affidavit(s)/Declaration(s)
    - iii.  Information Disclosure Statement (IDS)
    - iv.  Other \_\_\_\_\_
2. **Miscellaneous**
  - a.  Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months. Fee under 37 C.F.R. § 1.17(i) required)
  - b.  Other \_\_\_\_\_
3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by C.F.R. § 1.114 when the RCE is filed.
  - a.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 02-2666
    - i.  RCE fee required under 37 C.F.R. § 1.17(e)
    - ii.  Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
    - iii.  Processing fee under 37 CFR § 1.17(i) for Limited Suspension of Action
    - iv.  Other \_\_\_\_\_
  - b.  Check in the amount of \$ 770.00 enclosed
  - c.  Payment by credit card (Form PTO-2038 enclosed)  
**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type) Mark L. Watson Registration No. (Attorney/Agent) 46,322  
Signature \_\_\_\_\_ Date September 22, 2004

### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Name (Print/Type) Leah Schwenke  
Signature Leah Schwenke Date September 22, 2004

**FEE TRANSMITTAL FOR FY 2004**

(FY 2004 Begins 10/01/2003)

SEP 27 2004

**TOTAL AMOUNT OF PAYMENT (\$)** 770.00

Complete if known:

Application No. TRADEOFF 164,898

Filing Date October 1, 1998

First Named Inventor Akiyama

Examiner Name Vital, Pierre M.

Art Unit 2188

Attorney Docket No. 042390.P3373

Applicant claims small entity status. See 37 CFR 1.27.

**METHOD OF PAYMENT** (check all that apply)

Check  Credit Card  Money Order  Other  None

Deposit Account

Deposit Account Number : 02-2666

Deposit Account Name:

The Director is Authorized to do the following with respect to the above-identified Deposit Account:

Charge fee(s) indicated below.

Credit any overpayments.

Charge any additional fees during the pendency of this application.

Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

Charge fee(s) indicated below except for the filing fee.

**FEE CALCULATION**

**1. BASIC FILING FEE**

| <u>Large Entity</u> | <u>Small Entity</u> | <u>Fee Description</u> | <u>Fee Paid</u>                    |
|---------------------|---------------------|------------------------|------------------------------------|
| Fee Code            | Fee (\$)            | Fee Code (\$)          |                                    |
| 1001                | 770                 | 2001 385               | Utility application filing fee     |
| 1002                | 340                 | 2002 170               | Design application filing fee      |
| 1003                | 530                 | 2003 265               | Plant filing fee                   |
| 1004                | 770                 | 2004 385               | Reissue filing fee                 |
| 1005                | 160                 | 2005 80                | Provisional application filing fee |
| <b>SUBTOTAL (1)</b> |                     |                        | \$ <u>0.00</u>                     |

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

|                    | <u>Extra Claims</u> | <u>Fee from<br/>below</u> | <u>Fee Paid</u>                 |
|--------------------|---------------------|---------------------------|---------------------------------|
| Total Claims       | <u>19</u>           | <u>- 20 = 0</u>           | X <u>      </u> = <u>      </u> |
| Independent Claims | <u>4</u>            | <u>- 6 = 0</u>            | X <u>      </u> = <u>      </u> |
| Multiple Dependent |                     |                           | <u>      </u> = <u>      </u>   |

\*\*Or number previously paid, if greater; For Reissues, see below.

| <u>Large Entity</u> | <u>Small Entity</u> | <u>Fee Description</u> |
|---------------------|---------------------|------------------------|
| Fee Code            | Fee (\$)            |                        |
| 1202                | 18                  | 2202 9                 |
| 1201                | 86                  | 2201 43                |
| 1203                | 290                 | 2203 145               |
| 1204                | 86                  | 2204 43                |
| 1205                | 18                  | 2205 9                 |
| <b>SUBTOTAL (2)</b> |                     |                        |

**FEE CALCULATION (continued)**

**3. ADDITIONAL FEES**

| <b>Large Entity</b>       |            | <b>Small Entity</b> |            |  |                 |
|---------------------------|------------|---------------------|------------|--|-----------------|
| <b>Fee</b>                | <b>Fee</b> | <b>Fee</b>          | <b>Fee</b> | <b>Fee Description</b>   | <b>Fee Paid</b> |
| Code                      | (\$)       | Code                | (\$)       |  |                 |
| 1051                      | 130        | 2051                | 65         | Surcharge - late filing fee or oath  |                 |
| 1052                      | 50         | 2052                | 25         | Surcharge - late provisional filing fee or cover sheet                     |                 |
| 1053                      | 130        | 1053                | 130        | Non-English specification  |                 |
| 1812                      | 2,520      | 1812                | 2,520      | For filing a request for ex parte reexamination                            |                 |
| 1813                      | 8,800      | 1813                | 8,800      | Request for inter parties reexamination                                    |                 |
| 1804                      | 920*       | 1804                | 920*       | Requesting publication of SIR prior to Examiner action                     |                 |
| 1805                      | 1,840*     | 1805                | 1,840*     | Requesting publication of SIR after Examiner action                        |                 |
| 1251                      | 110        | 2251                | 55         | Extension for reply within first month                                     |                 |
| 1252                      | 420        | 2252                | 210        | Extension for reply within second month                                    |                 |
| 1253                      | 950        | 2253                | 475        | Extension for reply within third month                                     |                 |
| 1254                      | 1,480      | 2254                | 740        | Extension for reply within fourth month                                    |                 |
| 1255                      | 2,010      | 2255                | 1,005      | Extension for reply within fifth month                                     |                 |
| 1401                      | 330        | 2401                | 165        | Notice of Appeal   |                 |
| 1402                      | 330        | 2402                | 165        | Filing a brief in support of an appeal                                     |                 |
| 1403                      | 290        | 2403                | 145        | Request for oral hearing   |                 |
| 1451                      | 1,510      | 1451                | 1,510      | Petition to institute a public use proceeding                              |                 |
| 1452                      | 110        | 2452                | 55         | Petition to revive – unavoidable   |                 |
| 1453                      | 1,330      | 2453                | 665        | Petition to revive - unintentional   |                 |
| 1501                      | 1,330      | 2501                | 665        | Utility issue fee (or reissue)   |                 |
| 1502                      | 480        | 2502                | 240        | Design issue fee   |                 |
| 1503                      | 640        | 2503                | 320        | Plant issue fee  |                 |
| 1460                      | 130        | 1460                | 130        | Petitions to the Commissioner  |                 |
| 1807                      | 50         | 1807                | 50         | Processing fee under 37 CFR 1.17(q)  |                 |
| 1806                      | 180        | 1806                | 180        | Submission of Information Disclosure Stmt                                  |                 |
| 8021                      | 40         | 8021                | 40         | Recording each patent assignment per property (times number of properties) |                 |
| 1809                      | 770        | 2809                | 385        | For filing a submission after final rejection (see 37 CFR 1.129(a))        |                 |
| 1814                      | 110        | 2814                | 55         | Statutory Disclaimer   |                 |
| 1810                      | 770        | 2810                | 385        | For each additional invention to be examined (see 37 CFR 1.129(b))         |                 |
| 1801                      | 770        | 2801                | 385        | Request for Continued Examination (RCE)                                    | <u>770.00</u>   |
| 1802                      | 900        | 1802                | 900        | Request for expedited examination of a design application                  |                 |
| 1504                      | 300        | 1504                | 300        | Publication fee for early, voluntary, or normal pub.                       |                 |
| 1505                      | 300        | 1505                | 300        | Publication fee for republication  |                 |
| 1803                      | 130        | 1803                | 130        | Request for voluntary publication or republication                         |                 |
| 1808                      | 130        | 1808                | 130        | Processing fee under 37 CFR 1.17(i) (except provisionals)                  |                 |
| 1454                      | 1,330      | 1454                | 1,330      | Acceptance of unintentionally delayed claim for priority                   |                 |
| Other fee (specify) _____ |            |                     |            |  |                 |
| Other fee (specify) _____ |            |                     |            |  |                 |
| <b>SUBTOTAL (3) \$</b>    |            |                     |            |  | <b>770.00</b>   |

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**

Typed or Printed Name: Mark L. Watson

Signature: \_\_\_\_\_ Date: September 22, 2004

Reg. Number: 46,322 Telephone Number: 303-740-1980

Our Docket No.: 042390.P3373



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

Akiyama ) Examiner: Vital, Pierre M.  
Application No.: 09/164,898 ) Art Group: 2188  
Filed: October 1, 1998 )  
For: Virtualized Striping Controller )  
\_\_\_\_\_  
)

**PRELIMINARY AMENDMENT**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please enter the following amendments and consider the following remarks.

**FIRST CLASS CERTIFICATE OF MAILING**

I hereby certify that I am causing the above-referenced correspondence to be deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and that this paper or fee has been addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

September 22, 2004

Date of Deposit

Leah Schwenke

Name of Person Mailing Correspondence

Leah Schwenke

Signature

9/22/04

Date

Docket No.: 042390.P3373

Application No.: 09/164,898